

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

ISIDRO ALCANTARA-MONTIEL, et al.,

Plaintiffs,

v.

**R&H FARMS, INC., RANDY H. HIERS JR.,
and NORADINO RODRIGUEZ,**

Defendants.

Civil Action: 7:11-CV-58 (HL)

ORDER

On June 28, 2011, Randy H. Hiers Jr. filed a Voluntary Petition for protection under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Middle District of Georgia, Valdosta Division. Defendant Hiers filed a suggestion of bankruptcy in this case on June 28, 2011.

11 U.S.C. § 362(a)(1) provides that all judicial proceedings against the debtor are automatically stayed. Accordingly, this case is stayed as to Defendant Hiers until there is a ruling from the bankruptcy court lifting the stay.

The automatic stay does not automatically stay judicial proceedings against non-bankrupt third parties or co-defendants. See, e.g., In re S.I. Acquisition, Inc., 817 F.2d 1142, 1147 (5th Cir. 1987). Defendants R&H Farms, Inc. and Noradino Rodriguez have not requested that the automatic stay be extended to them, and it does not appear from the bankruptcy docket that they have requested that the bankruptcy court issue an injunction against these judicial proceedings as relates to

them. Accordingly, the case shall continue to proceed against Defendants R&H Farms, Inc. and Noradino Rodriguez.

SO ORDERED, this the 8th day of July, 2011.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

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